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Attorneys for Plaintiff
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEFAN W. KIRKEBY,

Defendant.

CASE NO. 1:22-CR-00228-JLT-SKO

STIPULATION TO CONTINUE MOTION
HEARING; ORDER

DATE: January 29, 2024
TIME: 9:00 a.m.
COURT: Hon. Jennifer L. Thurston

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for hearing of defendant's motion on January 29, 2024.
2. By this stipulation, defendant and government now move to continue the motion hearing until March 4, 2024.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The defendant has entered a plea in this matter and has filed a motion seeking to withdraw his plea. Defendant is pending sentencing.
 - b) Counsel for government recently filed a motion for an order for the limited waiver of the attorney client privilege. Counsel thought the motion was filed more than 2 weeks earlier

but checked the docket and realized it was not filed in error. The motion is still pending. Counsel for government needs additional time to review the record and consult with defendant's former attorney in order to formulate a response to the defendant's motion to withdraw his guilty plea. Defendant's former attorney requested that an order be obtained so he could discuss the matter with the government.

c) Counsel for defendant does not object to the requested continuance of the motion in this matter.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: January 22, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ LAUREL J. MONTOYA
LAUREL J. MONTOYA
Assistant United States Attorney

Dated: January 22, 2024

/s/ ANTHONY P. CAPOZZI
ANTHONY P. CAPOZZI
Counsel for Defendant
STEFAN W. KIRKEBY

FINDINGS AND ORDER

IT IS SO FOUND that the ends of justice are served by requested continuance.

IT IS FURTHER FOUND that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS ORDERED that the motion hearing set for January 29, 2024 is continued to March 4, 2024.

DATED: January 24, 2024



THE HONORABLE JENNIFER L. THURSTON
UNITED STATES DISTRICT JUDGE